

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE WESTERN DISTRICT OF WISCONSIN**

3
4 PETER MARKGREN and DARYL
5 STROHSCHNEIN,

6 Plaintiffs,
7 vs.

8 SAPUTO CHEESE USA INC.

9 Defendant.

Case No. 3:21-cv-00429-jdp

**STIPULATION AND [PROPOSED] ORDER
DISMISSING PLAINTIFF'S TORT
CAUSES OF ACTION FOR NEGLIGENT
INFLECTION OF EMOTIONAL
DISTRESS, NEGLIGENT HIRING AND
RETENTION, INTENTIONAL
INFLECTION OF EMOTIONAL DISTRESS
AND WRONGFUL TERMINATION IN
VIOLATION OF PUBLIC POLICY**

11
12 Plaintiffs Peter Markgren and Daryl Strohschein ("Plaintiffs") and Defendant Saputo
13 Cheese USA Inc. ("Defendant"), by and through their respective attorneys of record, hereby
14 STIPULATE AND AGREE and request the Court enter an Order dismissing only Plaintiffs'
15 seventh through tenth causes of action for Negligent Inflection of Emotional Distress, Negligent
16 Hiring and Retention, Intentional Inflection of Emotional Distress and Wrongful Termination in
17 Violation of Public Policy, respectively, without prejudice from this action, while simultaneously
18 retaining the first six causes of action based on Title VII of the Civil Rights Act of 1964, 42
19 USC., §2000e *et seq.*, the Age Discrimination in Employment Act, 29 USC §§621-634, the
20 Americans With Disability Act of 1990, 42 USC §12101 *et seq* and the Family and Medical
21 Leave Act 29 USC §2601 *et seq.*

22 The parties further STIPULATE and AGREE that entering an Order dismissing Causes of
23 Action 7 through 10 will render Defendant's pending Motion to Dismiss (Dkt. 10) moot with
24 respect to those causes of action. However, nothing in this stipulation is intended to affect
25 Defendant's pending Motion to Dismiss (Dkt. 10) with respect to Causes of Action 2 through 6.

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27 ///

1 Dated: January 24, 2022

2 s/ Beth A. Huber

Beth A. Huber (SBN 1120263)

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ATTORNEYS FOR DEFENDANT

SAPUTO CHEESE USA INC.

17 **[PROPOSED] ORDER**

18 It is hereby ORDERED as follows:

19 Plaintiffs' Peter Markgren and Daryl Strohschein seventh through tenth tort causes of
20 action against Defendant SAPUTO CHEESE USA INC. for Negligent Infliction of Emotional
21 Distress, Negligent Hiring and Retention, Intentional Infliction of Emotional Distress and
22 Wrongful Termination in Violation of Public Policy are hereby dismissed from this action
23 without prejudice.

24 DATED: January _____, 2022

25 Hon. James D. Peterson

United States District Judge

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PETER MARKGREN and
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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

PETER MARKGREN and DARYL
STROHSCHIEIN

Plaintiffs,

vs.

SAPUTO CHEESE USA INC.

Defendant.

CASE NO. 3:21-cv-429

**PROOF OF SERVICE PLAINTIFFS'
STIPULATION AND [PROPOSED]
ORDER DISMISSING PLAINTIFF'S
TORT CAUSES OF ACTION FOR
NEGLIGENT INFLECTION OF
EMOTIONAL DISTRESS, NEGLIGENT
HIRING AND RETENTION,
INTENTIONAL INFLECTION OF
EMOTIONAL DISTRESS AND
WRONGFUL TERMINATION IN
VIOLATION OF PUBLIC POLICY**

PROOF OF SERVICE

I, Vicki Hagstotz, declare: I am a resident of the United States, over the age of 18 years, and not a party to the above captioned suit. My business address is N1131 County Road L, Watertown, WI 53098. I am readily familiar with my offices' business practices for collection and processing of correspondence.

On the date set forth below, I served the following document(s):

STIPULATION AND [PROPOSED] ORDER DISMISSING PLAINTIFF'S TORT CAUSES OF ACTION FOR NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS, NEGLIGENT HIRING AND RETENTION, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AND WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY

___ (By mail) I caused each of the above document(s) to be placed in a sealed envelope, with postage thereon fully prepaid, to be deposited this date in Watertown, Wisconsin addressed to each party or parties at the addresses listed below

___X___ (By E-Mail) By filing Plaintiffs' Opposition Electronically with the United States District Court – Western District of Wisconsin, Defendant automatically received an electronic copy of the above documents at their E-Mail addresses indicated below.

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I declare under penalty of perjury under the laws of the State of Wisconsin that the foregoing is true and correct.

Executed on January 24, 2022 at Watertown, Wisconsin.


Vicki Hagstotz